

Private Sector Vocational Technical Stakeholder Group

Tumwater, WA

March 15, 2004

MINUTES

ATTENDEES

VOCATIONAL REHABILITATION PROVIDERS

Michael Barron, IAM Crest

Craig Bock, Bock Consulting, Inc.

Bob Crouch, CorVel Corporation

Fred Cutler, Cutler Counseling

Dan McKinney, Vista Consulting Services

Terry McCall, McCall Vocational Consulting

Scott Whitmer, Whitmer & Associates

Brad Ehrlich, Career Opportunities Group

Cathy Cottingham, People Systems, Inc.

Jill Rosenthal, IARP

April Poier, Grant and Associates

ABSENT:

Jenny Gaffney, Gaffney Counseling & Consulting

DEPARTMENT OF LABOR AND INDUSTRIES

Blake Maresh

Rich Wilson

Mary Kaempfe

Don Lane

Paulette Golden

ABSENT:

Roy Plaeger-Brockway

Donna Spencer

Carol Kromer

Barb Lansford

Dave Erickson

AUDIENCE MEMBERS

Trevor Duncan, Whitmer & Associates

Earl Shimogawa, Dura Vocational Services

Patti Kacz, Intracorp

INTRODUCTIONS & REVIEW – Blake Maresh

Since the group had a new member, Brad Ehrlich, who was replacing Julie Krause on the committee, Blake asked the attendees to introduce themselves. He then reviewed the agenda and asked members to review the minutes for comments, questions, or corrections.

L&I EARLY RETURN TO WORK INITIATIVE – Rich Wilson

Early Return to Work Initiative

Rich gave a presentation on the Early Return to Work Initiative, which is set to begin March 29th. The initiative involves operational changes to help promote the increased likelihood of return to work for more injured workers.

Overview

Beginning March 29, 2004, most State Fund claims that have had 14 days of time loss compensation will be reviewed by L&I and subsequently assigned to L&I staff in field offices for early return to work activities. These activities will focus exclusively on returning the worker to his or her employer at the earliest possible opportunity. If no return to work opportunities exist, or if other issues preclude immediate return to work, the field staff will send the assignment back to the claim manager, or make a vocational referral to the private sector. L&I field staff involved in early return to work include vocational consultants, occupational nurse consultants and therapist consultants.

It is expected that more timely provision of return to work services will result in more workers returning to work sooner, and that those workers who do need further vocational assessment and/or services will be referred sooner.

Implications for Private Sector

- Most EI and AWA referrals will be made earlier in the claim than in the past.
- EI and AWA referrals to the private sector will be made by both claim staff *and field staff* and monitored by claims staff.
- L&I's policy preventing the marketing of claim managers for referrals also applies to L&I field staff that make vocational referrals (Policy 6.11).
- Medical instability issues. In general, a vocational provider should not close a referral due to medical instability unless this status is expected to last for at least the next 90 consecutive days.
- The department expects that vocational providers will address in their reports all issues required by WAC prior to closing a referral as medically unstable. In the case of AWA referrals, this may include, but is not limited to, complete work and educational history, and an analysis, including supporting documentation (i.e., JAs, LMS) of occupational possibilities that may be reasonable when the worker is medically stable.
- Vocational providers should carefully review the referral text for important information on work that has already been done on the claim (i.e., "no options with EOR") so as to avoid redundant services

Additional Information

The department has developed Answers to Frequently Asked Questions (FAQs) for vocational providers. The FAQs are available at L&I's vocational web site:

<http://www.lni.wa.gov/ClaimsInsurance/Vocational/default.asp>

OUTCOME-BASED PAYMENT – BACKGROUND ON OKLAHOMA MILESTONE SYSTEM – Mary Kaempfe

Mary gave a summary of the insights and advice provided by Dan O'Brien, one of the developers of the Oklahoma Milestone payment system. The major concepts of the system (several risk clusters, small payments for reaching interim milestones and large payments for RTW outcomes, no fee for service) were shared with the group. Members were given 2 articles providing more detail ¹

Mary underscored the department's appreciation for the differences between the system in which Milestones works and Washington's workers' compensation system. But, given that there are real differences, Mary shared some of the considerations that Mr. O'Brien's believes are integral to making a Milestones-type approach work:

- Multiple risk clusters defined by client service needs with opportunities for success in each cluster.
- Providers freed up to provide services rather than documentation.
- Providers are very well compensated for successes.
- Be careful not to over-simplify.

Mary also shared Mr. O'Brien's list of suggestions for possible provider input in developing a model based on Milestones. While the presentation was intended primarily to be instructive as to keys to establishing an outcome-based payment system, there are also many practical challenges in creating such a system, notably in a workers' compensation setting.

EI FEE CAP EXTENSION RECAP – Blake Maresh

Blake announced that an extension to the early intervention fee cap had been completed and was now available (as of March 15). Donna Spencer had briefed the VTSG on the extension in previous meetings.

Blake shared that the extension is limited to situations where there is a medically approved graduated return to work or work hardening opportunity. The extension must be approved by the claim manager and requested only when other EI work has been completed. This is because, once the extension has been authorized, codes for the other EI professional codes are end-dated and not billable for subsequent dates of service.

The extension is not a second referral, but an extension of the same EI referral. The fee cap extension allows up to \$1,542, or 20 additional hours, of service delivery. The

¹ O'Brien, Dan and Cook, Becky, "Oklahoma Milestone Payment System", State of Oklahoma, Department of Rehabilitation Services, 1997.
Rosegrant, Susan, "Oklahoma's Milestones Reimbursement System: Paying for What You Get", Kennedy School of Government, Cambridge, Massachusetts, 1998.

services are also time-limited and must be completed within 12 weeks from the date of authorization. The billing codes are 0802V (VRCs) and 0803V (interns).

LEGISLATIVE SESSION RECAP – Roy Plaeger-Brockway

Since Roy was unable to attend the meeting, Blake briefly updated the committee on legislative matters. There has been no additional word on the formation of a Workers' Compensation Legislative Commission. The governor had indicated earlier in the year he would convene a committee to look at important issues affecting Washington's industrial insurance system. Staff from the UW and WSU, who have done some preliminary interviewing, will jointly facilitate the commission.

Blake also remarked that there had been three bills active during the legislative session regarding licensure of vocational rehabilitation professionals. He encouraged the provider community to be aware of the bills in case they reappear in future legislative sessions. The bill numbers are HB 2568, HB 2709, and SB 6260.

EVALUATION TOOLS STUDY GROUP – Blake Maresh

Blake announced that Donna Spencer would be establishing a work group in the near future to look at work evaluation tools. He encouraged the VTSG members to look for upcoming announcements, since it was likely that Donna would be looking to the committee for input.

NEXT STAGES OF RTW DISCUSSION – Scott Whitmer

Scott led a discussion on what best practices can be used currently to increase our RTW rates with injured workers. He also discussed what best practices could be endorsed by the system if rules or WAC changed to allow more placement activity for qualified injured workers who are ready to RTW. He tried to focus on the best ideas of all of the ideas that were analyzed in the previous VTSG. L&I and VTSG intend to list the best practices on the LNI website for the providers to access.

AUDIENCE COMMENTS – Blake Maresh

An audience member commented on the earlier discussion of outcome-based payment options, noting that there are situations where even the best counseling may not produce a RTW outcome if the worker is not motivated to return to work.

Addendum: DRAFT Notes from Brainstorm Session on RTW

The purpose of this discussion was to follow up on the activity in the January 2004 VTSG meeting where breakout sessions identified ways to enhance RTW opportunities for each type of service. By synthesizing and prioritizing the feedback, the VTSG plans to create a “short list” of recommendations for vocational providers, to be published on the L&I website.

EI—What Could be Done in Today’s Environment

- Get a complete work history – speaks to educating injured worker and employer on all RTW options.
- Getting involved in RTW activities sooner will help.
- Communicate in person whenever possible.
- Establish relationships with employer and worker, using a deliberate approach.
- Have IW available, if possible, when doing on-site JA.
- Use graduated return to work (GRTW) and work hardening (WH) programs.
- Use employer premium and risk class information to help “sell” them on RTW. Many employers don’t understand how premium works—L&I is preparing a pamphlet.

EI—What Could be Possible with Law, Rule or Policy Changes

1. Financial incentives for employers
2. Skill enhancement benefit
3. Employer networks
4. Preferred worker benefit – more liberal
5. Code for RTW placement
6. LEP – more liberal worker/employer

AWA— What Could be Done in Today’s Environment

- Apprise worker of rights, responsibilities and where do we go from here, so there’s no misconceptions. Include attorney, if applicable and reality therapy.
- Test people in AWA to identify: interests, aptitudes, adaptability ASAP.
- Check out ESD records for work history information.
- Give IW – work releases, labor market information.
- Consider doing an exit interview with IW.
- Provide goal-oriented counseling to motivate workers.

AWA— What Could be Possible with Law, Rule or Policy Changes

1. Bonus for RTW.
2. SS earnings and work history on every claim.
3. IW resume/exit interview with a code.

Plan Development and Plan Implementation will be covered in the May 2004 VTSG.